

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Valentina Concha-Toro	Team: Squad #12	CCRB Case #: 201810008	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/25/2018 7:53 PM	Location of Incident: [REDACTED]	Precinct: 44	18 Mo. SOL 5/25/2020	EO SOL 1/9/2021	
Date/Time CV Reported Sun, 11/25/2018 9:04 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/03/2018 9:47 AM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Michael Sambrato	06414	961232	044 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM James Ferrufino	06552	960538	044 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Michael Sambrato	Discourtesy: Police Officer Michael Sambrato spoke discourteously to § 87(2)(b) [REDACTED]			[REDACTED]	

Case Summary

On November 25, 2018, § 87(2)(b) submitted this complaint with the Internal Affairs Bureau (IAB) via telephone. On December 3, 2018, this case was received by the CCRB via log § 87(2)(b) § 87(2)(b).

At approximately 7:53 p.m. on November 25, 2018, Police Officers Michael Sambrato and James Ferrufino of the 44th Precinct responded to the § 87(2)(b) regarding a 9-1-1 call made by § 87(2)(b) about the hospital staff's treatment of her daughter's newborn son. Police Officer Sambrato said to § 87(2)(b) "Don't tell me [how] the fuck I feel," **Allegation A: Discourtesy—Word,** § 87(2)(g). No summonses or arrests were made during this incident.

No video footage regarding this incident was obtained by the investigation.

Findings and Recommendations

Allegation (A) — Discourtesy: Police Officer Michael Sambrato spoke discourteously to

§ 87(2)(b)

The general contours of the incident are undisputed. On November 25, 2018, at approximately 7:53 p.m., § 87(2)(b) called the police and reported that the staff of the § 87(2)(b) were mistreating her grandson. Police Officers Sambrato and Ferrufino responded to the § 87(2)(b) voiced her concerns regarding the treatment of her grandson to Police Officers Sambrato and Ferrufino. Police Officers Sambrato and Ferrufino spoke to the hospital staff. No police report was written and Police Officers Sambrato and Ferrufino left the hospital.

During her sworn statement on December 10, 2018, § 87(2)(b) stated that on November 25, 2018, at approximately 8:15 p.m. she, her daughter § 87(2)(b) and § 87(2)(b)'s boyfriend (whose name § 87(2)(b) did not know) were in Newborn Intensive Care Unit ward on the sixth floor of the § 87(2)(b). Police Officers Sambrato and Ferrufino entered the area and were by the "prep area" outside the incubator area. § 87(2)(b) left the incubator room and entered the "prep area" to speak to Police Officers Sambrato and Ferrufino, and § 87(2)(b) and her boyfriend stayed with the baby. § 87(2)(b) told Police Officers Sambrato and Ferrufino the hospital staff were mistreating her grandson and asked if they could write a police report. Police Officer Sambrato said he could not write a report but did not explain why. § 87(2)(b) told Police Officers Sambrato and Ferrufino they did not care for the baby's well-being. Police Officer Sambrato responded by saying, "Don't tell me [how] the fuck I feel." § 87(2)(b) identified Police Officer Sambrato by physical description as well as name and shield number (Board Review 01).

The phone number provided by § 87(2)(b) for § 87(2)(b) during her telephone statement was no longer in service. § 87(2)(b) refused to provide the investigation with further contact information for § 87(2)(b). The investigator performed DMV, LexisNexis, and CLEAR searches which yielded positive results for two phone numbers and six addresses. Phone calls

were placed to both phone numbers and the two most recent addresses. Contact attempts were exhausted, and § 87(2)(b) has not contacted the CCRB as of the writing of this report.

During his CCRB interview on December 19, 2018, Police Officer Sambrato stated that § 87(2)(b) told him she was not happy with the way the hospital staff were treating her baby. Police Officers Sambrato and Ferrufino spoke with the hospital staff who told Police Officers Sambrato and Ferrufino they were doing all they could for the baby. Police Officer Sambrato informed § 87(2)(b) and § 87(2)(b) of what the staff had told him. § 87(2)(b) told him that he did not care for the baby. Police Officer Sambrato was asked how he responded to § 87(2)(b) and he said he handed her his Right To Know Act business card. Police Officer Sambrato denied saying the alleged discourteous phrase, and denied cursing at § 87(2)(b) (Board Review 02).

During his CCRB interview on January 30, 2019, Police Officer Ferrufino stated he and Police Officer Sambrato spoke with § 87(2)(b) and explained to her that the hospital staff were doing all they could. § 87(2)(b) and § 87(2)(b) responded by telling Police Officers Ferrufino and Sambrato they did not want to do their jobs. Police Officer Ferrufino denied that Police Officer Sambrato said the alleged discourteous phrase and denied hearing Police Officer Sambrato curse at § 87(2)(b) (Board Review 03).

Body-worn camera footage was not available. When asked why there was no body-worn camera footage of the incident, both Police Officer Sambrato and Police Officer Ferrufino stated that they are not allowed to turn on their body-worn cameras while inside of a medical facility. According to NYPD Patrol Guide section 212-123, the use of body-worn cameras are prohibited in medical facilities (Board Review 02, Board Review 03, Board Review 04).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the only CCRB case to which § 87(2)(b) has been a party (Board Review 05).
- Police Officer Sambrato has been a member of service for three years and has ten prior CCRB allegations in five cases with no substantiated allegations. § 87(2)(g)

[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(c) (impair contract awards or CBAs), § 87(2)(b)

[REDACTED]

- A Notice of Claim search request was submitted to the New York City Comptroller's Office on February 1, 2019, and on February 8, 2019, an email was received advising that no documents had been located (Board Review 07).

Squad No. 12

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date